IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1346 (S/S) of 2004

Ramesh Chandra Pal
S/o Lal Singh
presently posted as Assistant Director,
Assistant Watershed Management,
District – Tehri Garhwal.

...Petitioner

Versus

1. State of Uttaranchal through Secretary Agriculture, Secretariat Complex, Dehradun.
2. Director, Agriculture, Camp Prem Nagar, Nanda ki Chawki, Dehradun.
3. Sri Madan Lal, Incharge, Director Agriculture, Camp Prem Nagar, Nanda ki Chawki, Dehradun.
4. Chandan Singh Mehra, Inquiry Officer, Joint Director, at Camp Prem Nagar, Nanda ki Chawki, Dehradun.
5. Joint Director, Agriculture, Garhwal Mandal, Pauri, District – Pauri.
6. Assistant Director, Jalagam, Jalagam Prabandhan Unit, Kirtinagar, District Tehri Garhwal.

...Respondents

Sri Navneet Kaushik, learned counsel for the petitioner.
Learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Navneet Kaushik, learned counsel for the petitioner as well as learned Standing Counsel.

By means of this writ petition, the petitioner has prayed for issuance of direction in the nature of Certiorari quashing the order dated 24.06.2004 passed by opposite party no. 3 – Director, Agriculture Camp Prem Nagar, Nanda ki Chawki, Dehradun. By order dated 24.06.2004

recovery of sum of Rs 2,73,000.00 is sought to be made from the petitioner's salary and an adverse entry is also made that no responsible work will be given to the petitioner for next three years. This order was passed after the inquiry was conducted against the petitioner. The petitioner was found guilty. The petitioner has submitted that he has already availed the alternative remedy by way of filing appeal before the Secretary, Agriculture under Rule 11 of the Uttranchal Government Servant (Discipline and Appeal) Rules 2003. The appeal is still pending and has yet not been decided. Since the petitioner has already availed the alternative remedy under Rule 11 of the Uttranchal Government Servant (Discipline and Appeal) Rules 2003, the Appellate Authority is directed to decide the appeal within six weeks from today and till the disposal of appeal the recovery from the petitioner shall not be made.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

November 23, 2004:
S.K.Sharma